

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v.-

CHRISTOPHER COLLINS, CAMERON
COLLINS, and STEPHEN ZARSKY,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: November 9, 2018

18 Civ. 7128 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

WHEREAS, on November 5, 2018, the Government submitted a motion seeking to intervene in this action and seeking a partial stay of discovery, in light of the pendency of the parallel criminal action *United States v. Christopher Collins et al.*, 18 Cr. 567 (VSB) (the “Criminal Action”), in which an indictment has been returned; and

WHEREAS, defendants Christopher Collins, Cameron Collins, and Stephen Zarsky consent to the partial stay sought by the Government; and

WHEREAS, the Securities and Exchange Commission (the “SEC”) takes no position on the request for a partial stay; and

WHEREAS, the Court finds that a partial stay of discovery and other proceedings in this action is in furtherance of the interests of justice and will not prejudice any party; it is hereby

ORDERED that the Government’s motion to intervene is GRANTED;

IT IS FURTHER ORDERED that:

1. Proceedings in this action are stayed in their entirety, except that during the pendency of the Criminal Action, the SEC shall produce to the defendants the following categories of documents obtained by the SEC prior to the institution of this action, in connection with the investigation leading to the SEC's filing of this action, subject to the limitations set forth in Paragraph 2 and to any applicable privileges (the "Permitted Discovery"):
 - (a) each subpoena issued;
 - (b) every other written request to persons not employed by the SEC to provide documents or to be interviewed;
 - (c) the documents turned over in response to any such subpoenas or other written requests;
 - (d) all transcripts and transcript exhibits of any sworn investigative testimony;
 - (e) all notes and memoranda of witness interviews, and written statements made or adopted in the course of an interview, conducted by the SEC outside the presence of the Government and the Federal Bureau of Investigation in connection with the SEC's investigation;
 - (f) any other documents obtained from persons not employed by the SEC, except as set forth below; and
 - (g) a log of all documents received by the SEC in response to subpoenas or other document requests, except for documents

produced to the SEC by the Government and/or the Federal Bureau of Investigation.

2. Permitted Discovery expressly does not include the following categories of documents and no such documents shall be produced while this Order remains in effect: remains in effect
 - (a) Communications, written or oral, with the Government and/or the Federal Bureau of Investigation;
 - (b) Documents obtained by the SEC from the Government and/or the Federal Bureau of Investigation;
 - (c) Transcripts of testimony and notes of or memoranda describing interviews with; written statements made or adopted in the course of an interview by; or correspondence concerning interviews of any person whom the Government designates to the SEC as an individual who may be called as a witness in the Criminal Action;
 - (d) Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i).
3. All discovery beyond the Permitted Discovery is hereby stayed, including, for avoidance of doubt, all depositions, interrogatories, third-party discovery, and other forms of party discovery.

SO ORDERED.

Dated: November 9, 2018
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge